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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,047	06/23/2005	Vili Ravanko	18320	6216
272	7590	12/11/2006	EXAMINER	
SCULLY, SCOTT, MURPHY & PRESSER 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			ISSAC, ROY P	
			ART UNIT	PAPER NUMBER
			1623	

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

TH

Office Action Summary	Application No. 10/511,047	Applicant(s) RAVANKO ET AL.	
	Examiner Roy P. Issac	Art Unit 1623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/31/2005</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

This application is a 371 of PCT/EP03/01091 filed 02/04/2003. Claims 1-16 are currently pending.

Claim Objections

Claims 5-16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of the acronym "wt%-DS" without defining it first within claims renders the claim indefinite. Where a trademark or trade name or abbreviation is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C 112, second paragraph. See *Ex parte Simpson*, 218 USPQ (Bd. App. 1982). The claim scope is uncertain since the abbreviation or trademark or trade name cannot be used to identify any particular

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material or product. An abbreviation or trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, an abbreviation or trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the abbreviation used herein renders the identification/ description indefinite.

Claims 3-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3-4, is directed towards the use of a feed solution that contains a mixture of saccharide dimer and 2 or 6wt% or less of sacchride monomer. The specification does not define "less." The lack of lower limit in the claimed range renders the claim indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Heikkila et. al.

Heikkila et. al. discloses a method for fractionating a solution into two or more fractions by a chromatographic simulated moving bed process. (Abstract). Heikkila et. al. discloses Finex CS 13 GC, a polystyrene matrix crosslinked with

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divinylbenzene (DVB). (Column 14, lines 50-56). Heikkila et. al. discloses the use of Finex columns crosslinked with 5.5% DVB to separate sucrose, a disaccharide from trisaccharides and monosaccharides. (Columns 7 to 8, Example, 1, Table 1B, and Table 1C). The trisaccharides and monosaccharides in the feed solution was present as 2.8% and 0.6% weight of dry solid weight respectively. (Column 8, Table 1B). Heikkila et. al. further discloses the use of Purolite PCR 651 with 5.5% DVB for purification of sucrose, without any other saccharides. (Example 5, Columns 12-13, Tables 5A and 5B). Note that, the recitation "2 wt% or less of a saccharide monomer and/or saccharide dimer" of the instant application, claim 3, is considered to include compositions with 0% mono- or di-saccharides. As such, claims 1-4 are anticipated by Heikkila et. al.

No claim is allowed.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roy P. Issac whose telephone number is 571-272-2674. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia Anna Jiang can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Roy P. Issac
Patent Examiner
Art Unit 1623


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